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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,207	12/09/2005	Ralf Wiedemann	102792-508 (11271P4 US)	5643
27389 7590 01/07/2009 NORRIS, MCLAUGHLIN & MARCUS 875 THIRD AVE 18TH FLOOR NEW YORK, NY 10022				
EXAMINER				
YOO, REGINA M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/560,207

Applicant(s)

WIEDEMANN ET AL.

Examiner

REGINA YOO

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-22 is/are pending in the application.
4a) Of the above claim(s) 6, 11, 13-15, 17-19, 21 and 22 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4, 7-10, 12, 16 and 20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed on 10/31/2008 has been received and claims 1-4 and 6-22 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2008 has been entered.

Election/Restrictions

2. Claims 6, 11, 13-15, 17-19 and 21-22 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected groups and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/30/2007. (Claim 6 is drawn to Figure 3 which is related to the non-elected Specie C.)

Claim Objections

3. Claims 8-9 are objected to because of the following informalities: both claims are dependent on the cancelled claim 5. Appropriate correction is required.

For the examination purposes of this office action, it will be deemed that the claims 8-9 are dependent on claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, 7-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Reeves (6372126).

As to Claim 1, Reeves ('126) discloses an automatic detergent dispensing device (10) comprising a detergent bar (14) comprising a detergent composition, a detergent additive, or a detergent composition which includes a detergent additive (see Col. 3 line 61 and Col. 4 lines 7-8), said detergent bar (14) disposed within a channel (20), wherein the detergent bar (14) completely fills at least a portion of the channel across the entire bore of the channel (20) (see for example Figures 6 and 9), the channel (20) having an open end (the top end of channel 20) and an inlet aperture (36) which is in communication with said open end (see Figures 1-6, specifically Figure 2).

As to Claim 2-4, Reeves ('126) discloses that the channel (20) is a cylindrical tube (see Figures 1-10), wherein the channel (20) has a uniform bore, along its length or at least along the portion filled by the detergent bar (14) (see Figures 1-10).

As to Claims 7-9, Reeves ('126) discloses that the channel (20) has a plurality of open ends (at the top end of 20 and at the bottom end of 20 via 34, 38, 183 or 214) each of which being in communication with an inlet aperture (36) (see Figures 2-3 and 7).

As to Claims 10 and 12, Reeves ('126) discloses that the channel (20) has a plurality of secondary apertures (34, 38, 183) (see Figures 2-3).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claims 1-4, 7-10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Jordan (4338191).

As to Claim 1, Jordan ('191) discloses an automatic detergent dispensing device (see entire document, particularly Figures 1-32) comprising a detergent bar comprising a detergent composition, a detergent additive, or a detergent composition which includes a detergent additive (see Col. 3 lines 48-63), said detergent bar disposed within a channel (26), wherein the detergent bar completely fills at least a portion of the channel across the entire bore of the channel (26), the channel having an open end (top end of 26; see Figures 1-2 and 19, and Col. 5 lines 3-5 – which indicates that a cap 54 is optional) and an inlet aperture (28) which is in communication with said open end (top end of 26).

In the event that Jordan ('191) does not disclose to sufficient extent that the detergent bar completely fills at least a portion of the channel across the entire bore of the channel 26, it was well known in the art at the time of invention to provide a detergent bar within a channel of an automatic detergent dispensing device and it would have been obvious to one of ordinary skill in this art at the time of invention to provide a detergent bar of such a size as to completely fill the channel bore.

As to Claims 2-4, Jordan ('191) discloses that the channel has a uniform bore of cylindrical tube configuration (see Col. 3 lines 48-49), along its length or at least along the portion filled by the detergent bar (see Figures 2, 9, 11 and 19).

As to Claim 7-9, Jordan ('191) discloses that the channel (26) has a plurality of open ends (apertures on end plate 30) each of which being in communication with an inlet aperture (28 and the openings provided on 30) and is deemed to be an open end in addition to the top open end of channel/tube 26 (see Figure 3 and Col. 4 lines 3-7).

As to Claims 10 and 12, Jordan ('191) discloses the channel has a plurality of secondary apertures (see Figure 3 – openings on plate 30).

9. Claims 16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan (4338191) or Reeves (6372126).

As to Claim 16, while neither Jordan ('191) nor Reeves ('126) appears to specifically disclose that the secondary aperture possesses a diameter of less than 5mm, it would have been obvious and well within the purview of one of ordinary skill in this art at the time of invention to modify the diameter of secondary aperture (on the plate 30 for Jordan or for the aperture 183 of Reeves) to less than 5mm in order to ensure adequate water flow into the channel but at the same time to retain the detergent bar efficiently. Only the expected results would be attained (see MPEP §2144.04 section IV (A)).

As to Claim 20, while Jordan ('191) appears to teach that the container 12 is made out of a water insoluble material which is a moldable plastic material such as high density polyethylene (see Col. 3 lines 30-31), neither Jordan ('191) nor Reeves ('126) does not appear to specifically teach that the channel is made out of the same material as well.

It was well known in the art at the time of invention to produce plastic detergent dispensing devices/channels from same or similar materials and thus, it would have been obvious to one of ordinary skill in this art at the time of invention to utilize the same material to manufacture the channel that is placed within the container 12 in the device of Jordan in order to function properly (e.g. not to become damaged by the detergent ingredients). Moreover, it would have been obvious and well within the purview of one of ordinary skill in this art at the time of invention to provide a water-resistant or water insoluble material for the channel in the device of Reeves so that the device is able to function as intended without being affected by its surrounding (i.e. water). Only the expected results would be attained.

Response to Arguments

10. Applicant's arguments with respect to claims 1-4, 7-10, 12, 16 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REGINA YOO whose telephone number is (571)272-6690. The examiner can normally be reached on Monday-Friday, 10:00 am - 7:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elizabeth L McKane/
Primary Examiner, Art Unit 1797

RY